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Attorneys for Plaintiff and the Alleged Classes

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

ABANTE ROOTER AND PLUMBING,
INC., individually and on behalf of all others
similarly situated,

Plaintiff,

v.

TOTAL MERCHANT SERVICES, LLC, a
Delaware limited liability company,

Defendant.

Case No. 3:19-cv-05711-EMC

**ADMINISTRATIVE MOTION TO
EXTEND THE DEADLINE FOR
PLAINTIFF TO FILE A REPLY IN
SUPPORT OF ITS MOTION FOR
CLASS CERTIFICATION**

Judge: Hon. Edward M. Chen
Courtroom: 5
Complaint Filed: September 11, 2019

Pursuant to Local Civil Rule 6-3, Plaintiff Abante Rooter and Plumbing, Inc. ("Plaintiff" or "Abante") respectfully requests that the Court issue an Order extending Plaintiff's deadline to file a reply in support of its motion for class certification by four (4) days. In support of the instant motion, Plaintiff states as follows:

1. Plaintiff's counsel conferred with counsel for Defendant Total Merchant Services, LLC ("Defendant" or "TMS") regarding the request for an extension. Defendant's counsel responded that Defendant does not object to the requested extension. (*See* Declaration of Taylor T. Smith ("Smith Decl."), a true and accurate copy of which is attached hereto as Exhibit A.)

2. On April 12, 2021, Plaintiff filed its motion for class certification. (Dkt. 75.)

3. Defendant TMS filed its response in opposition to Plaintiff's motion on May 10, 2021. (Dkt. 76.) TMS's opposition disputes Plaintiff's ability to satisfy every element of class

1 certification.

2 4. Plaintiff's reply in support of its motion is due within seven days of TMS's
3 response, on or before May 17, 2021.

4 5. Plaintiff requests a brief four-day extension of its deadline to file reply. The
5 additional time will permit Plaintiff to adequately research and respond to each of the arguments
6 raised in Defendant's response.

7 6. Additionally, the requested extension will not require an extension of the hearing
8 on the motion for class certification, which is presently scheduled for June 10, 2021, at 1:30 p.m.

9 WHEREFORE, Plaintiff respectfully requests that the Court issue an Order extending
10 Plaintiff's deadline to file a reply in support of its motion for class certification by four (4) days
11 until May 21, 2021.

12 Respectfully submitted,

13 Dated: May 11, 2021

ABANTE ROOTER AND PLUMBING, INC.,
individually and on behalf of all others similarly
situated,

15 By: /s/ Taylor T. Smith
16 One of Plaintiff's Attorneys

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27 Attorneys for Plaintiff and the Classes

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above titled document was served upon counsel of record by filing such papers via Court's ECF system on May 11, 2021.

/s/ Taylor T. Smith